

Express Mail No. EV475143180US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
PATENT APPLICATION

|                   |   |                   |   |
|-------------------|---|-------------------|---|
| Applicants:       | Max Aebi et al.   | Confirmation No.: | 4698  |
| Application No.:  | 10/539,659  |                   |   |
| Int'l Appln. No.: | PCT/CH02/00704  | I.A. Filing Date: | December 17, 2002                           |
| For:              | INTERVERTEBRAL IMPLANT<br>WITH JOINT PARTS<br>MOUNTED ON ROLLER<br>BODIES | Attorney Docket:  | 8932-1179-999 (new)<br>(formerly LUS-16089) |

New York, New York 10017  
September 14, 2006

Hon. Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REPLY TO NOTIFICATION OF MISSING REQUIREMENTS  
UNDER 35 U.S.C. § 371  
IN THE UNITED STATES DESIGNATED/ELECTED OFFICE**

Sir:

In reply to the Notification Of Missing Requirements Under 35 U.S.C. § 371  
mailed February 14, 2006, applicants hereby submit the following:

1. A copy of the February 14, 2006 Notification Of Missing Requirements  
Under 35 U.S.C. § 371;
2. A copy of a partially-executed Declaration, all inventors except one having  
signed;

3. A Petition For Filing By Other Than All Inventors Under 37 C.F.R. § 1.47(a), a First Statement Of Facts with attached Exhibits A and B, and a Second Statement Of Facts with attached Exhibits 1-5;

4. A Second Preliminary Amendment; and

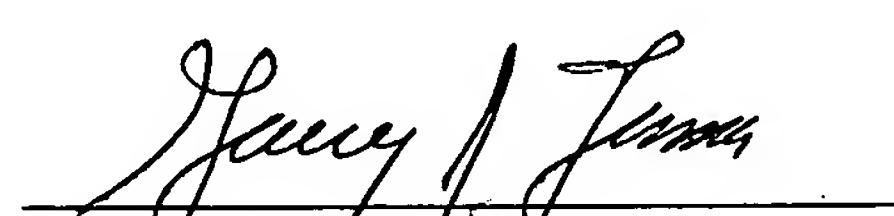
5. A Petition For Extension Of Time.

Please change the Attorney Docket No. for this application from "LUS-16089" to -- 8932-1179-999 --.

Please charge \$2,490.00 in payment of the surcharge (\$130) for late filing of the declaration set forth in 37 C.F.R. § 1.492(h), the petition fee (\$200.00) set forth in 37 C.F.R. § 1.17(g), and the extension fee (\$2,160.00) set forth in 37 C.F.R. § 1.17(a)(5) to Deposit Account No. 50-3013. Please charge any other fees required in connection with this Reply to Deposit Account No. 50-3013. A duplicate copy of this Reply is enclosed.

09/21/2006 ATRAN1 00000115 503013 10539659  
01 FC:1617 130.00 DA

Respectfully submitted,



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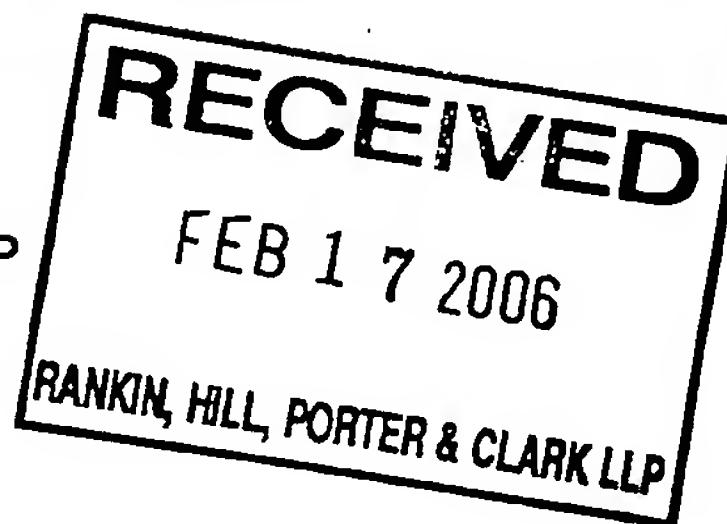


UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
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 www.uspto.gov

| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
|-----------------------------|-----------------------|------------------|
| 10/539,659                  | Max Aebi              | LUS-16089        |

40854  
 RANKIN, HILL, PORTER & CLARK LLP  
 4080 ERIE STREET  
 WILLOUGHBY, OH 44094-7836



| INTERNATIONAL APPLICATION NO. |  |
|-------------------------------|--|
| PCT/CH02/00704                |  |

| I.A. FILING DATE | PRIORITY DATE |
|------------------|---------------|
|                  | 12/17/2002    |

CONFIRMATION NO. 4698  
 371 FORMALITIES LETTER



\*OC00000018031229\*

Date Mailed: 02/14/2006

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 06/14/2005
- English Translation of the IA filed on 06/14/2005
- Copy of the International Search Report filed on 06/14/2005
- Copy of IPE Report filed on 06/14/2005
- Preliminary Amendments filed on 06/14/2005
- Information Disclosure Statements filed on 06/14/2005
- Request for Immediate Examination filed on 06/14/2005
- U.S. Basic National Fees filed on 06/14/2005

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

LAMONT M HUNTER

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Telephone: (703) 308-9140 EXT 201

**PART 1 - ATTORNEY/APPLICANT COPY**

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| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/539,659                  | PCT/CH02/00704                | LUS-16089        |

FORM PCT/DO/EO/905 (371 Formalities Notice)